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|-------------------------------|------------------------|---------------------|--|
| <b>Notice of Allowability</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                               | 09/932,665             | DEGUCHI, YUICHIRO   |  |
|                               | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                               | Naeem Haq              | 3625                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/6/2006.
2. ☒ The allowed claim(s) is/are 1-23 and 36-38.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date <u>1/30/05</u></li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date <u>20060416</u></li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
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## DETAILED ACTION

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney John P. O'Banion on April 14, 2006.

Claims 1, 21, 36, and 37 are generic and allowable. Accordingly, the restriction requirement as to the encompassed species is hereby withdrawn and claims 2-4, 10-20, 22, 23, and 38, directed to the species of the invention are no longer withdrawn from consideration since all of the claims to this species depend from or otherwise include each of the limitations of an allowed generic claim.

The application has been amended as follows:

Please cancel claims 24-35.

Please reinstate claims 2-4, 10-20, 22, 23, and 38 for allowance.

1. (Amended): A data marking device notification system, comprising:
  - a gateway terminal configured to receive one or more data marks including a bookmark from a data marking device of a user;
  - a playlist provider configured to generate a broadcast playlist including information on at least one music clip;

a server terminal coupled to the gateway terminal configured to receive said one or more data marks including said bookmark from said gateway terminal, said server terminal further configured to search for music clips corresponding to said one or more data marks including said bookmark within said broadcast playlist, if said broadcast playlist is available, from said playlist provider and to generate a user playlist containing said information on said music clips; and

means for generating a notification to the user in response to determining that said broadcast playlist has become available.

21. (Amended): A delayed data mark playlist notification system, comprising:

a gateway terminal connected to a data marking device of a user, said gateway terminal configured to receive one or more data marks including a bookmark from said data marking device, each of said one or more data marks including a time stamp and a date stamp corresponding to a music clip broadcast over a registered radio station as contained within a broadcast playlist;

a server terminal coupled to said gateway terminal configured to receive said one or more data marks including said bookmark, and accordingly, to generate a corresponding user playlist including one or more of a name of the broadcast music clip, a name of the music clip artist, and the name of the music clip album from a broadcast playlist, if said broadcast playlist is available; and programming in said server terminal for,

transmitting said generated user playlist, if available, to said gateway terminal,

sending notification to said gateway terminal, if said broadcast playlist is not available, and

transmitting a notification to the user when said broadcast playlist becomes available.

36. (Amended): A data marking device notification system, comprising:  
means for receiving one or more data marks including a bookmark;  
means for generating a broadcast playlist within a storage unit, if playlist of broadcast music clips is currently available;  
means for receiving said broadcast playlist from said storage unit and generating a user playlist of music clip information based on said data marks including said bookmark and said received playlist; and  
means for generating a notification to user in response to determining that said playlist has become available.

37. (Amended): A delayed data mark playlist notification system, comprising:  
means for receiving one or more data marks including a bookmark input by a user, each of said one or more data marks including a time stamp and a date stamp corresponding to a music clip broadcast over a registered radio station;  
means for generating a user playlist with information on music clips found within a broadcast playlist retained in a storage unit, if the broadcast playlist is currently

available, said user playlist including one or more of a name of the broadcast music clip, a name of the music clip artist, and the name of the music clip album; and

means for generating a notification to the user in response to determining that said playlist has become available.

### ***Allowable Subject Matter***

Claims 1-23 and 36-38 are allowed.

The following is the Examiner's statement of reasons for allowance: Statement of allowance is in reference to independent claims 1, 21, 36, and 37. All other claims are dependencies of this independent claim.

The present application is directed to a data marking device notification system that receives a data mark from a user and generates a playlist of music clips corresponding to the data marks. The independent claims 1, 36, and 37 recite the uniquely patentable feature "means for generating a notification to the user in response to determining that said playlist has become available." Independent claim 21 recites the uniquely patentable feature "transmitting a notification to the user when said broadcast playlist becomes available."

Discussion of most relevant prior art:

The following references have been identified as the most relevant prior art to the claimed invention.

(i) US 2002/0120577 A1 to Hans et al. ("Hans"). Hans teaches a system and method for managing access to digital content. However, Hans fails to teach or suggest the limitation "means for generating a notification to the user in response to determining that said playlist has become available" or the limitation "transmitting a notification to the user when said broadcast playlist becomes available."

(ii) US 6,243,691 B1 to Fisher et al. ("Fisher"). Fisher discloses an online auction system that provides electronic mail notifications to bidders who have been outbid (col. 6, lines 15-25). However, Fisher fails to teach or suggest the limitation "means for generating a notification to the user in response to determining that said playlist has become available" or the limitation "transmitting a notification to the user when said broadcast playlist becomes available."

(iii) "How the Old Napster Worked" by Jeff Tyson ("Napster"). Napster discloses a distributed music file sharing system. However, Napster fails to teach or suggest the limitation "means for generating a notification to the user in response to determining that said playlist has become available" or the limitation "transmitting a notification to the user when said broadcast playlist becomes available."

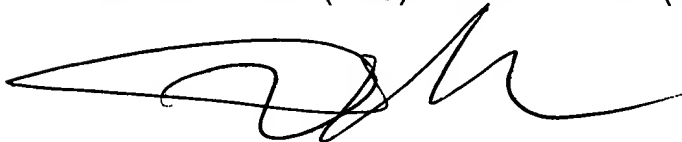
(iv) EP 0 858 171 A2 784 279 A1 to Yonemitsu et al. ("Yonemitsu"). Yonemitsu generally discloses an apparatus for encoding digital signals. However, Yonemitsu fails to teach or suggest the step of "automatically loading the bundle of items in the executable shopping list into a shopping cart at the merchant's Web site in response to said single action."

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

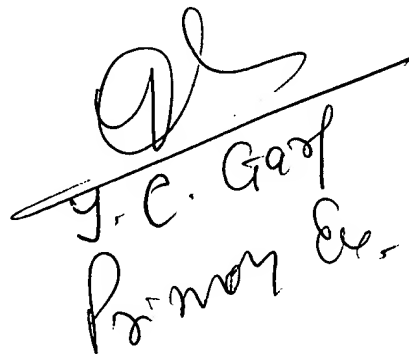
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogesh C. Garg can be reached on (571)-272-6756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Naeem Haq**, Patent Examiner  
Art Unit 3625

April 17, 2006



Y. C. Garg  
Primary Ex.